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Commentary on the Introduction of the "Green Paper" to Policy Formulation in Ontario 1973



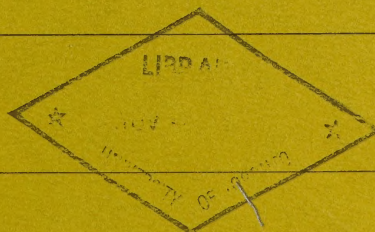
Ontario

Ministry of
Community and
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Office on
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June 1974

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COMMENTARY ON THE INTRODUCTION OF THE
"GREEN PAPER" TO POLICY FORMULATION
IN ONTARIO 1973

Office on Community Consultation,
Ministry of Community & Social Services.

June 1974

P R E F A C E

The shaping of public policy involves an ongoing dialogue between diverse institutions, organizations and groups within our society. Increasingly, this process has become an immensely challenging exercise in planning and communications as the numbers of participants in the system being governed and the numbers of participants actively involved in the policy making processes have increased.

One recent development in the attempt to include a wider spectrum of public trends and values in the policy formulation process has been the utilization of the "Green Paper". The following discussion is an attempt to place into perspective the role of the Green Paper Technique by tracing the historical development of the approach, analyzing several examples of its application in Ontario and finally offering a number of recommendations as to its continued applicability as a vehicle for public participation in policy planning.

T. K. Eger
J. T. Johnston
Office on Community
Consultation.

June 1974

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INTRODUCTION

The concept of the "Green Paper" is a complex one - not because of its intent, but because of its hazy historical development. Ideally the Green Paper is a public discussion paper designed to obtain public reaction and input prior to policy formation. It is produced and distributed by government, describes a specific policy question to be decided and outlines the pros and cons of a range of suggested alternatives to the resolution of problems regarding such policy. The Green Paper is therefore a means for involving the electorate more directly in a specific issue in the complex process of determining public policy.

This concept was referred to in December 1971 in Interim Report Number Three of the Committee on Government Productivity which recommended the appointment of Policy Ministers who, along with other responsibilities, were to devote time to "achieving improvements in the linkages between government and citizens."

The report suggested that Policy Ministers consider experimenting with the British "Green Paper" concept in order to improve those linkages. These experiments began with the issue of the first Green Paper in March 1973 - Community Living for the Mentally Retarded in Ontario.

However, before examining this and other examples of Green Papers, it is important to understand something of the forerunner of the Green Paper, the White Paper, in Great Britain and Canada. While the trend to more direct involvement of the public in policy formation is documented, this section also points out some of the disadvantages of the White Paper approach that preceded the development of the Green Paper.

HISTORICAL ORIGINS

Like most of our parliamentary practice, the White Paper originated in Great Britain. There, it is applied to command papers issued to parliament by the Crown, outlining the government's position in a particular policy area. The object of presenting these papers was to give Parliament the information needed for making judgement on policy matters, and to give the government an opportunity to test the opinion of the members of the House and the public before introducing legislation in its final form.

British
White
Paper

In Canada, the White Paper technique developed later than in Great Britain. Between 1939-1963, these documents were used to provide information to Parliament. They provided a review of the legislation on the statute books and a reaffirmation of the course of policy the government intended to take in the future. These documents

Canadian
White
Paper

received little public debate when issued. They were essentially for members of parliament and played an information role in the policy process. The Pearson and Trudeau governments refined further the White Paper technique. These White Papers were issued for the purpose of promoting debate and involving Parliament and the electorate at an earlier stage in the legislative process. The Canadian White Papers were not draft legislation as in Great Britain, nor were they unalterable policy commitment, but rather general statements of the government's thinking on a matter. In short, the White Paper had three major purposes:

- 1) publicity created by the paper supposedly would help the public to scrutinize and control government operation;
- 2) the White Paper process would increase the knowledge of Parliament so that its final legislation would be improved.
- 3) the issue of the White Paper would provide a further gauge of public opinion on which the government could base its policy.

However, the greatest deficiency of the Canadian White Paper technique as in the British White Paper is its lack of a workable mechanism for incorporating public trends and values into policy development.

THE ONTARIO EXPERIMENT

As stated previously, the Green Paper experiment in Ontario has been an attempt to include the electorate in the policy formation process. In the following section this discussion paper examines four Green Papers in Ontario. These papers are outlined in chronological order, and are followed by a commentary on the unique features of each. Two of these Green Papers were issued by Policy Secretariats while two were issued directly from the Ministry concerned.

First Example

"Green Paper" on Community Living for the Mentally Retarded in Ontario 1973.

Background

In March 1972, the Cabinet Committee on Social Development established as a priority the need to undertake a major revision of the general arrangements for the mentally retarded in Ontario. A Task Force on Mental Retardation was set up to document the existing problems, and in February 1973, its findings were presented in an Interim Report to the Cabinet Committee.

On the basis of this and other reports, the Government of Ontario adopted a new policy focus for the delivery of services to the mentally retarded, centred around the concept of community living. The principles underlying this decision and its implications for present and future planning were outlined in the first Ontario

Green Paper issued in March 1973 by the Provincial Secretary for Social Development. This Green Paper was tabled in the House without prior media presentation. However, the Honourable Robert Welch had announced the paper earlier in the day at a Service Club meeting. Approximately fifteen thousand copies of the Green Paper were distributed. Approximately two hundred submissions were received by the Policy Secretariat. Submissions were mainly received from the Ontario Association for the Mentally Retarded, its local branches and individual members. The Secretariat also received one brief from Labour and one brief from Industry. There were no public meetings or hearings associated with the Green Paper.

Upon examination the Green Paper on Community Living for the Mentally Retarded in Ontario does not appear to be a Green Paper at all. It is rather a statement of intention regarding a new approach to assisting the mentally retarded. It is not a Green Paper as

- 1) it does not solicit public input prior to the formulation of a new policy focus for the Mentally Retarded.
- 2) it does not outline the pros and cons of a range of suggested alternatives to the resolution of problems of the former policy.
- 3) it is definitive, rather than suggestive.

Release
and
Response

Because this paper is so obviously biased in its approach, it could be considered a White Paper. It outlined the government's new focus, rather than alternatives to policies of the time. Apparently, this paper was seen by the government as a means of gaining public support for reintegrating the retarded into the larger community and for de-emphasizing institutional care and removal from community life. The paper was not intended to be a mechanism for public participation in determining policy with respect to Mental Retardation. The absence of public meetings of any kind related to the Green Paper indicates another of the deficiencies evident in this particular application. This approach allowed for written documentation but absence of public discussion indicated that certain segments of the general public were not intended to be involved; the less articulate; the uneducated; the client, in this example, the Mentally Retarded.

Comments

Second Example

Green Paper on Consumer Product Warranties in Ontario 1973.

In 1972, an Ontario Law Reform Commission Report on Consumer Warranties and Guarantees had concluded that Warranty Law in Ontario was no longer adequate to meet the needs of the consumer. At that time, consumers had to rely almost exclusively upon the conscience of the individual businessman who was the sole arbiter of the conditions and application of his warranty. Recognizing

Background

the need for more consumer protection, the Ministry of Consumer and Commercial Relations issued a Green Paper in August of 1972 in order to elicit and encourage public response as to how the problem might best be resolved and to motivate the public to give some direction to government in the formulation of the new policy and eventual legislation.

While specific Ministry staff were never formally appointed to head up the Task Force on Guarantees and Warranties to organize the production, release and distribution of the Green Paper, a member of the Business Practice Division assumed most of the responsibilities in this regard. As a result of the lack of an overall co-ordinator and without an organized programme for dissemination and feedback reception, the overall response was meager and the Ministry was disappointed in the results.

It appears that response was mainly from commercial associations and organized consumer protection associations. The general public did not respond as well as had been anticipated. Unlike the Green Paper on Mental Retardation, formal hearings were organized in conjunction with this paper and held in Thunder Bay, Sault Ste. Marie, Toronto, Windsor, London, Hamilton, and Ottawa in order to encourage and obtain public reaction.

Prepara-
tion,
Release,
and
Response

Hearings
Held

These hearings were planned by a Public Relations firm and were held in local motels and hotels. In some cases the Green Paper had not been distributed in adequate time before the meetings. In other cases, such as in Thunder Bay, the location chosen for the hearings was not well situated.

Ministry
Evaluation of
Efforts
and
Effectiveness

Ministry staff associated with this Green Paper stated that there was minimal public attendance and response to the public hearings, that few of the public knew anything about the Green Paper technique, that the subject matter of the Green Paper was not in a form easily understood, that the advertising, publicity, and public relations associated with the Green Paper and Public Hearings were inadequate, and that the public hearings were too formal.

Staff
Recommendations

While the project team felt that their Green Paper technique was not effective, they did learn from the experiment and made the following recommendations to their Ministry with respect to the organization of a Green Paper. They recommended:

- 1) that, if the Ontario government was serious in its attempt to use Green Papers, a public education programme should be conducted to explain the intent of the paper, generate awareness, and stimulate response;

- 2) that Green Papers should be presented in a form and content which would have popular appeal, i.e. in simple language, legible type, attractive design, and appear to be inexpensive;
- 3) that Green Papers should be readily available at least 60 days before public meetings;
- 4) that minimal requirements of organization, publicity, and public relations be met prior to release of the paper;
- 5) that public meetings be conducted in a manner as not to inhibit public attendance and participation, i.e. informally, at convenient public times, and at accessible community centres;
- 6) that set guidelines and written terms of reference be established for the accompanying task force in order to ensure its fullest contribution to the legislative process;
- 7) and that written acknowledgement be provided to those who submitted responses to the Green Paper.

The inadequate public response to this Green Paper could indicate that the public was unconcerned with the issue, or that the public was unaware of the intent of the Green Paper programme, or that the time, resources and planning given to the programme by the Ministry concerned were inadequate, or that both the public was unaware and the Ministry unprepared. The recommendations of the programme team seem to reiterate the latter, that the public needed exposure to the Green Paper technique and its intent, and that such a programme requires adequate time, resources, and planning in order to make it effective.

Comments

In regarding the recommendations more specifically it would seem more feasible for the government to advertise the intent of the Green Papers through a well publicized, well organized example of a Green Paper than through a costly public relations campaign. Learning through experience and participation is more durable than non-participatory learning.

Secondly, as stated in recommendations two, three, and four, the Green Paper must be simple in form, it must be easily available, and it must have proper and adequate staff time, resources and planning, in order to ensure that it can be a useful technique in helping to develop a well-informed, responsible public which can participate effectively in policy formation.

Recommendation number five which refers to the need for informality in public-planner interchange at public meetings in accessible community settings, provides the mechanism for more effective public feedback and consultation with those who make the decisions.

Recommendations six and seven, refer to the need for understanding by the public, of the Green Paper techniques in obtaining public input into the legislative process, and that individual concerns are acknowledged. Without this understanding and

assurance, be it due to lack of planner organization, or public awareness of the technique, the Green Paper concept will not be effective in facilitating public participation in policy planning.

In summary, the lessons of this Green Paper appear to be two fold;

- 1) proper staff resources, time and planning are necessary for an effective Green Paper technique, release and follow-up;
- 2) and that the public requires more facilitation for participation than previously has been attempted.

Third Example

Green Paper on Environmental Assessment

This example of a Green Paper was issued in September 1973, by the Ministry of the Environment in recognition of the need for pre-development environmental assessment to prevent potential environmental problems.

Background

Prepared by the Strategic Planning Branch, the Green Paper was issued to "solicit public response and to provide a basis for public discussion" around the alternatives of policy development for environmental impact studies with respect to urban, regional and provincial development.

Release and Response

This Green Paper was simultaneously tabled in the House and announced in a press release. Over five thousand three hundred* copies of the Green Paper

* These figures are approximate.

were distributed to interested individuals, Municipal Clerks, Planning Board, Agricultural Groups, Conservation Groups, Public Libraries and M.L.As. Although there was not a direct organized publicity campaign, articles referring to Environmental Assessment appeared in trade magazines, a daily commercial paper, municipal magazines, environmental magazines and a daily Toronto paper. No public meetings or hearings were organized by the Ministry. A "public" seminar was conducted by the Canadian Manufacturing Association at a local hotel on October 16, 1973. At this meeting attendance was approximately 20, with all participants from government or organized business. Transcripts of the day cost \$15.00.

As of February 23, 1974, some 170 detailed submissions had been received. These submissions were received from the universities, industry, commerce, environmental groups, for example Pollution Probe and Environmental Law, municipalities and the province.

Because the Green Paper on Environmental Assessment objectively presented alternate positions with respect to environmental assessment and detailed the advantages and disadvantages of each for public comment, rather than presenting a definitive position, it appears to have met the criteria for a true Green Paper. This Paper did not present a formal government

Comments

view, but presented an opportunity for public participation in policy development with respect to environmental assessment.

However, the approach to public involvement was deficient in two contexts. Firstly, this Green Paper, whose subject matter is concerned with public participation did not advocate meaningful public involvement but merely supported the use of "review style" public hearings.

Secondly, and more important, other than written response, no other mechanism was established to provide for discussion. No public meetings were established where people could interact amongst themselves and with the government. Without any formal acknowledgement of the submission of their briefs, and without public interaction through meetings, the public had no real understanding as to the attention being given to their opinions.

Fourth Example

Green Paper on Sunday as a Common Day of Rest and Uniform Store Hours.

Major changes in social attitudes and needs since Sunday Observance laws were introduced early in this century and the recent lobbying for uniform store hours pointed out the need for examination of existing policies.

Background

A great deal of public interest with the subject matter existed before the release of this Green Paper in December 1973. The Ontario Law Reform Commission had received briefs and public representation with respect to Sunday Closing and Uniform Hours between 1969 and 1971. In 1973, the Premier's Office received in excess of twenty thousand letters in regard to Sunday Closing Hours.

Similar to the other three cases examined this Green Paper was announced in the House. One thousand background papers and twenty five thousand Green Papers were released. Copies were distributed initially to M.L.As., Municipalities, Local Newspapers, the Chamber of Commerce, Consumers' Associations, the Consumers' Associations of Canada, Marina Operators, small and large businessmen. Advertisements were placed in local newspapers in regard to public meetings which were held in conjunction with the release of the Green Paper.

Public hearings were held in approximately thirteen different centres, including Burlington, Hamilton, Niagara Falls, Peterborough, Cornwall, Orillia, Tillsonburg, Kapuskasing, and Thunder Bay. Public meetings were conducted at 10.00 a.m., 12.00 noon, 2.00 p.m. and 8.00 p.m.

Release
and
Response

Attendance varied at the different meetings with Toronto attracting the largest number of people. Approximately five hundred people appeared at Queen's Park, while Parry Sound had the lowest number of participants - somewhere around fifty to sixty people.

Attempt was made to keep the meetings as informal as possible. Only two staff and the Honourable George A. Kerr, Solicitor General, represented the government. Mr. Kerr usually chaired the meetings. A government representative was responsible for the publicity for the meetings.

Response to this Green Paper was very heavy, particularly in terms of letters arriving following the different public meetings held across the province. The greatest portion of response, in terms of letters, briefs, and phone calls, were from private individuals, members of Provincial Uniform Store Hours (P.U.S.H.), commercial associations, small businessmen, and church groups.

This Green Paper appears to be the best example of a well organized, publicized, and managed programme. The programme had staff whose sole responsibility was the managing of the Green Paper and public meetings. Resources were available for distribution of Green Papers, tabulating responses, meeting the public, formulating individual

and form responses to those participating in the programme.

The wide initial distribution of the Green Paper, good publicity in local papers with respect to the accompanying public meetings, and the controversy of the subject matters, all helped to keep the issue of this Green Paper before the public.

The effective use of informal feedback from the public at informal meetings helped to insure a more effective discussion of the issues. This informality, maintained by the use of a small number of programme staff, seating arrangements and staff attitude, greatly enhanced the effectiveness of the programme.

Regarding the content of the Green Paper, it is easily seen that this example of a Green Paper is brief, easily read, and above all, understandable without excessive study. As such, it is much more palatable to the public than a long, sophisticated, technical document. The use of a background paper to supplement the Green Paper with additional detail seems to be one possible means of keeping the contents of a Green Paper clear and concise.

Lastly, this example of a Green Paper does point out a problem in the Green Paper technique. By placing limited options in the document for public comment, the Green Paper technique, while it serves to focus discus-

sion on the problem area, unfortunately can also narrow the scope of this discussion to the exclusion of innovation or minority beliefs. For example, perhaps employees' standards with respect to hours might have been examined instead of focusing on legislation pertaining to uniform store hours.

SUMMARY SUGGESTIONS

As stated earlier, the utilization of the Green Paper technique in Ontario is still rough and unrefined. As a current method of involving the public in policy planning, the Green Paper appears to have a number of deficiencies. These deficiencies can be found in both the concept of the Green Paper and with its previous application. In spite of its developing and inherent weakness however, the technique is one of the few vehicles available to the public for input into policy development. However, the Green Paper should not be seen in itself as a process, but rather as only one segment of an overall process to involve the public in policy formulation. In that regard, it may have additional strengths if utilized in some combination with the range of possible participatory techniques outlined in Table I.

		Working Committee	Boards
		Community Secretariat	Working Committee
	Task Force	Task Force	Community Secretariat
	Planning Seminars	Planning Seminars	Task Force
	Citizens Advisory Group	Citizens Advisory Group	Planning Seminars
Public Meeting	Public Meeting	Public Meeting	Citizens Advisory Group
Face-to-Face Encounters	Face-to-Face Encounters	Face-to-Face Encounters	Public Meeting
Telephones/letters	Telephones/letters	Telephones/letters	Face-to-Face Encounters
Statistical Methods	Statistical Methods	Statistical Methods	Telephones/letters
Mass Media	Mass Media	Mass Media	Statistical Methods
Distribution of Resource Material	Distribution of Resource Material	Distribution of Resource Material	Mass Media
			Distribution of Resource Material

INFORMATION
FEEDBACK

CONSULTATION

JOINT
PLANNING

DELEGATED
AUTHORITY

TABLE I. PARTICIPATORY TECHNIQUE CONTINUUM

Decidedly, the major deficiency of the Green Paper lies not in its basic approach but in its past application. The approach, if not properly planned, implemented and administered, will not reach a large enough segment of the population to be a valid representation of the trends and values of the electorate. Utilization of the Green Paper alone without an appropriate combination of participatory techniques (Table I) will probably be less successful and effective than if the Green Paper

was employed along with an appropriate combination of methods tailored to the specific community of interest to which the Green Paper is primarily focused. (Table II)

		DEGREE OF SOPHISTICATION OF COMMUNITY OF INTEREST		
		High	Intermediate	Low
PROBABILITY OF SUCCESS	HIGH	Consultation Joint Planning Delegated - Authority	Consultation Joint Planning	Information- Feedback
	LOW	Information- Feedback	Information- Feedback Delegated - Authority	Consultation Joint Planning Delegated - Authority

TABLE II. PROBABILITY MATRIX.

The implication here is that in planning the release and follow up of a Green Paper, consideration must be given to the social and political sophistication of the interest group to which the policy is directed.

Finally, it should be pointed out that there is one major inherent problem in the Green Paper approach itself. The technique by definition and design, places a limited number of policy options before

the public, to which they may comment upon and react. A danger exists that by doing so, the technique may serve to narrow the debate to the exclusion of other interrelated factors and limit the scope of creative involvement in the policy formulation process.

RECOMMENDATIONS

- 1) It is recommended that the Green Paper technique be more widely employed as a vehicle for public participation in policy planning in Ontario.
- 2) More specifically, in order to improve its applicability for public participation in policy planning, it is recommended that certain guidelines be adhered to:
 - (a) that adequate staff and resources are made available to ensure a properly planned, implemented, and administered programme.
 - (b) that additional participatory techniques be employed in conjunction with the release and follow-up of the Green Paper.
 - (c) that these techniques are tailored to the degree of social and political sophistication of the interest groups to which the Green Paper is directed.

- (d) that flexibility is built into the participatory process in order to allow for adequate public involvement between the time of release of the Green Paper and the final policy decision by government.
 - (e) that public or individual contribution to the programme be acknowledged.
 - (f) that the scope of possible policy options are not limited only to those suggested in the Green Paper.
 - (g) and that the Green Papers are in a form and content of an understandable nature. i.e. simple and legible. If additional explanation is required, a background paper should be produced.
- 3) Lastly, it is recommended that government guidelines be established to indicate the role of the Green Paper in the legislative process.

APPENDIX I

PAPERS EXAMINED

Ontario:

"Green Paper" on Community Living for the Mentally Retarded in Ontario: A New Policy Focus. Released March 1973.

Green Paper on Consumer Product Warranties in Ontario. Released August 1973.

Green Paper on Environmental Assessment.
Released September 1973.

Green Paper on Sunday as a Common Day of Rest and Uniform Store Hours.
Released December 1973.

Canada:

"White Paper" on Income Security for Canadians
Released 1970.

Working Paper on Social Security in Canada.
Released April 18, 1974.

APPENDIX II

HIGHLIGHTS OF GREEN PAPER INTRODUCTION

Community Living for the Mentally Retarded in Ontario.

Provincial Secretary for Social
Development.

"On the basis of this and other reports, the Government of Ontario has adopted a new policy focus for the delivery of services to the mentally retarded centred around the concept of community living. The principles underlying this important decision and its implications for present and future planning are outlined in this document, providing a foundation for public discussion of the issues and alternative courses of action.

The Government of Ontario earnestly seeks and welcomes the views, suggestions, and reactions of concerned individuals and organizations."

Honourable Robert Welch,
Former Provincial Secretary
for Social Development.

Consumer Product Warranties: Ministry of Consumer and
Commercial Relations.

"The purpose of this Green Paper is to highlight the issues raised by the Law Reform Commission Report, to encourage public response on how these issues should be resolved and to indicate the direction of my Ministry's thinking on these issues."

Honourable J.T. Clement Q.C.
Minister.

Environmental Assessment: Ministry of the Environment

"Before proceeding with the policy initiative, and before selecting any particular method of implementation, the Government wishes to seek out the view of interested persons and organizations. This Green Paper is intended to provide a basis for public discussion and to solicit public response."

Honourable James Auld,
Former Minister.

Sunday Closing and Uniform Hours: Provincial Secretary
for Justice

"This Green Paper outlines the policy alternatives the government is considering. It is intended to provide an opportunity for interested individuals and groups to consider the matter and, if they wish, to respond.

The Green Paper outlines issues and options. It is a brief survey of the questions involved and the possible courses of action.

The Secretariat welcomes representations from across the province. Comments should be directed to the Provincial Secretary for Justice, Legislative Building, Queen's Park, Toronto."

Honourable George A. Kerr Q.C.
Former Provincial
Secretary for Justice.



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